Engelmayer

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

FOURTH THIRD LLC,

Plaintiff,

v.

WATER CAPITAL, S.A. de C.V.,

Defendant.

Case No. 13 Civ. 3854

Hon. Paul A. Engelmayer

ORDER TO SHOW CAUSE FOR DEFAULT JUDGMENT

Upon consideration of the Complaint of Plaintiff Fourth Third LLC ("Fourth Third" or "Plaintiff"), the supporting Declaration of George E. Mastoris in Support of Judgment by Default, and the exhibits annexed thereto, it is hereby:

ORDERED, that defendant Water Capital, S.A. de C.V., ("Water Capital" or "Defendant") appear before the Honorable Paul A. Engelmayer at 10 a.m. ~~o'clock~~ on November 7, 2013, at the United States Courthouse for the Southern District of New York, 40 Foley Square, New York, New York, in Courtroom 1305, or as soon thereafter as counsel may be heard, to show cause why an Order should not be entered for a default judgment in this action as against Defendant in the liquidated amount of $21,500,000, with interest at 15% from December 31, 2011 through and including September 30, 2013, amounting to $1,312,500.00, amounting in all to $22,812,500.00 with interest continuing to accrue at an amount of $2,876.71 per diem from September 30, 2013 until the date of judgment, and it is further

ORDERED, that service of this Order and the papers upon which it is based shall be made by delivery of copies thereof on or before October 3, 201~~2~~3, by Federal Express, next day delivery, to (i) Defendant at its headquarters in Mexico located at Corporativo Punta Santa Fe, Piso 22, Prol. Paseo de la Reforma No. 1015, México, Distrito Federal 01376 and (ii) Defendant's designated agent for service for process, CT Corporation System, which is located at 111 Eighth Avenue, New York, New York, and that such service shall be deemed good and sufficient; and it is further

ORDERED, that opposing papers shall be delivered by Federal Express, next day delivery, to Winston & Strawn LLP, attorneys for Plaintiff, 200 Park Avenue, New York, New York 10166, on or before October ~~November~~ 24, 2013; and it is further

ORDERED, that reply papers shall be delivered by Federal Express, next day delivery, to Defendant and its counsel at the addresses set forth above, on or before October ~~November~~ 31, 2013.

ISSUED at New York, New York on October 1, 2013.

Paul A. Engelmayer
U.S.D.J.